

1 HONORABLE JAMAL N. WHITEHEAD
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 SCOTT CARLSON, TYLER PARNELL,
8 ALISON HALLIFAX, SHARON L. DAVIS,
9 BRIAN ROBILLARD, JOSH FREI,
MATTHEW PETERSON, AND ARTEM
TETERIN,

10 Plaintiffs,

11 v.

12 CITY OF REDMOND,

13 Defendant.

14 NO. 2:22-CV-01739-JNW

15 STIPULATED MOTION AND
[PROPOSED] ORDER TO EXTEND
DISCOVERY DEADLINE AND TO SET
BRIEFING SCHEDULE FOR CROSS-
MOTIONS FOR SUMMARY
JUDGMENT

16 **Noted for Consideration:**
February 25, 2025

17 COME NOW THE PARTIES, Plaintiffs Scott Carlson, Tyler Parnell, Alison Hallifax, Sharon
18 L. Davis, Brian Robillard, Josh Frei, Matthew Peterson and Artem Teterin and Defendant City of
Redmond (collectively “the Parties”) and hereby respectfully request that this Court extend the
discovery deadline to May 30, 2025, and the deadline challenging expert witness testimony to May
30, 2025, and to set a briefing schedule for cross motions for summary judgment.

WHEREAS the Parties previously extended the discovery deadline and thus cannot do so by
stipulated notice per Chambers Procedures;

WHEREAS the Parties previously extended the expert discovery deadline (ECF 68), but did

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1 not extend the discovery deadline, meaning that the primary expert disclosure deadline and the
2 discovery deadline are on the same day and it will not currently be possible to depose experts after
3 their disclosure;

4 WHEREAS Plaintiffs, pursuant to this Court's order permitting additional discovery, have
5 noticed approximately thirteen depositions which the parties are in the process of scheduling;

6 WHEREAS Plaintiffs have already taken one of those depositions;

7 WHEREAS Defendant would like to depose the eight Plaintiffs;

8 WHEREAS the current date for disclosure of rebuttal experts is currently due on the same
9 day as the motions challenging expert witness testimony (i.e., FRE 702 or “*Daubert*” motions). This
10 does not give the opposing party any time to challenge a rebuttal expert witness. The parties recognize
11 that the Chamber’s Procedures requires that FRE 702 or “*Daubert*” motions must be filed by the
12 dispositive motion deadline.” The parties are amendable to pushing out the dispositive motion
13 deadline a few weeks to comply with the Chamber’s Procedures. In the alternative, the parties are
14 amendable to having the deadline for motions challenging expert witness testimony to fall after the
15 initial cross briefs for summary judgment are filed. The parties look to the Court for direction as to
16 what it prefers;

17 WHEREAS, the dispositive motion deadline will not be changed because of extending the
18 discovery deadline, as the initial moving party will still file its opening brief on the current dispositive
19 motion deadline of April 14, 2025.

20 AND WHEREAS, the trial date will not be moved.

21 THEREFORE, the Parties stipulate and move this court as follows:

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I. STIPULATION

For good cause shown and pursuant to Federal Civil Procedure 16(b)(4) and Local Civil Rule 16(b)(6), the parties respectfully request that this Court enter an order setting a new discovery deadline, a new motions deadline related to discovery, a new motions deadline for challenging expert witness testimony, and a cross summary judgment briefing schedule.

For good cause shown and with the Court’s consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6). The “good cause” standard primarily considers the diligence of the party seeking the amendment: the district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the parties seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (citing Fed. R. Civ. P. 16 advisory committee’s notes (1983 amendment)). Although the existence or degree of prejudice to the opposing party might supply additional considerations for a motion to modify, the focus remains on the moving party’s reasons for seeking modification. *Johnson*, 975 F.2d at 609.

15 Counsel for the parties have conferred and agree that good cause exists as set forth below
16 to grant the relief requested:

17 1. The parties previously stipulated to move out the expert disclosure deadline, which
18 this Court granted on December 30, 2024. (ECF 68.) The parties did not move the discovery
19 deadline to allow time to conduct discovery as to any named experts. The parties also did not move
20 out the motion to challenge expert witness testimony, as it currently expires on the date that rebuttal
21 experts are disclosed. Moving it to May 12, 2025, the date that Defendant's combined

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1 opposition/reply brief is due, will give the parties thirty days to depose rebuttal experts and
 2 challenge any such expert designation. The parties stipulated dates below are based on this option.
 3 However, the parties recognize that this suggestion is at odds with the Chambers Procedures § 5.7
 4 regarding FRE 702 Motions being filed at the time as the dispositive motion deadline. Thus, the
 5 parties would also be fine with the Court pushing out the initial cross summary judgment brief to
 6 May 12, 2025, to comply with Chambers Procedure § 5.7.

7 2. Moving out the discovery deadline will also give the parties flexibility to adjust the
 8 current schedule of the noticed depositions before the cross motions for summary judgment are
 9 due, as some of the currently noticed depositions are for dates that the deponents are not available.

10 3. Since there are eight Plaintiffs in this case, and the Plaintiffs will be moving for
 11 summary judgment as to whether each one has a sincerely held religious belief, and that such an
 12 inquiry is individualized to each Plaintiff, the Parties request an additional three hundred (300)
 13 words per Plaintiff (totaling 2,400 words) for Plaintiff's combined opening/opposition brief and
 14 Defendant's combined opposition/reply brief. The parties further agree that Plaintiffs reply brief
 15 will have the same number of words as Defendant's opening brief (8,400).

16 Given the above referenced facts, the parties stipulate that good cause exists to set new
 17 dates as to the above. The parties now jointly move the Court for an order to that effect.

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:¹

Event	Current Date	New Date
All motions related to discovery must be filed by (see LCR 7(d))	February 12, 2025	April 30, 2025
Discovery completed by	March 14, 2025	May 30, 2025

21 1 The following dates are proposed, subject to the Court's availability.

	<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
1	Motions challenging expert witness testimony (FRE 702 or “ <i>Daubert</i> ” motions) must be filed by	April 13, 2025	May 12, 2025
2	Cross-motion for summary judgment - Defendant’s opening brief, which may not exceed 8,400 words, must be filed by	April 13, 2025 (Sunday)	April 14, 2025 (Monday)
3	Plaintiff’s combined opening/opposition brief, which may not exceed 12,900 words, must be filed by	N/A	April 28, 2025
4	Defendant’s combined opposition/reply brief, which may not exceed 12,900 words.	N/A	May 12, 2025
5	Plaintiff’s reply brief, not to exceed 8,400 words	N/A	May 19, 2025

7 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

8 DATED this 25th day of February, 2025.

9 By: /s/ Jonathon Cherne

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Jonathon Cherne, *pro hac vice*

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15 *Attorneys for Defendant*

16 *Attorneys for Plaintiffs*

17 I certify that this memorandum contains 1,039
18 words, in compliance with the Local Civil Rules.

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II. PROPOSED ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED that the following trial date and case schedule shall be set:

Event	Current Date	New Date
All motions related to discovery must be filed by (see LCR 7(d))	February 12, 2025	April 30, 2025
Discovery completed by	March 14, 2025	May 30, 2025
Motions challenging expert witness testimony (i.e., <i>Daubert</i> motions) must be filed by	April 13, 2025	May 12, 2025
Cross-Motion for Summary Judgment - Defendant's opening brief, which may not exceed 8,400 words, must be filed by	April 13, 2025 (Sunday)	April 14, 2025 (Monday)
Plaintiff's combined opening/opposition brief, which may not exceed 12,900 words, must be filed by	N/A	April 28, 2025
Defendant's combined opposition/reply brief, which may not exceed 12,900 words.	N/A	May 12, 2025
Plaintiff's reply brief, not to exceed 8,400 words	N/A	May 19, 2025

ENTERED this 3rd day of March, 2025.

Jean D

THE HONORABLE JAMAL N. WHITEHEAD
United States District Court Judge

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